

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 22, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m.

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 15, 2003.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated April 15, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. Review of Rural Transit budget and application for public transportation assistance - Tim Howell, Director of Lancaster County Rural Transit

Tim Howell, Director of Lancaster County Rural Transit, appeared and gave a brief overview of the services offered by Rural Transit.

Howell noted the following changes in their proposed budget:

- Addition of one-half hour per day for driving/route time
- 12 percent increase for health insurance

2) **SPECIAL PRESENTATIONS CONTINUED:**

Stevens stated that it appears the projected cost per boarding for the current fiscal year was \$73. He stated that \$73 is a very high cost to transport an individual from their residence to any where within the County.

Stevens asked if any alternatives had been proposed.

Workman agreed that the cost was high and stated increased ridership would help.

In response to a question asked by Schorr, Howell stated Rural Transit advertises in *Lifeline*, as well as in the rural senior centers, the Hickman *Voice* and the *Waverly News*.

Schorr referred to a County match of \$7,400 for a new vehicle and asked if that was included in the proposed budget.

Howell stated it was not included. The total figure for operating and capital expenses would be \$26,462.

MOTION: Hudkins moved and Stevens seconded authorization to submit a grant application for public transportation assistance for Lancaster County Rural Transit. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

4) **CLAIMS: Approval of all claims processed through Tuesday, April 22, 2003.**

MOTION: Stevens moved and Workman seconded approval of all claims processed through April 22, 2003. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) PUBLIC HEARINGS:

A. Public hearing pursuant to Neb. Rev. §23-107.01 at which time any interested party may appear and speak for or against the sale of County property, generally located at 1309 "M" Street, legally described as Original Plat, Block 90, Lots 4 through 6. Individuals may raise any issue regarding the fair market value of the property, which has been determined by the Board of Commissioners to be \$186,000.

The Chair opened the public hearing and asked if anyone wished to provide testimony regarding the sale of County property.

The Clerk administered the oath to Michelle Paxton, attorney with Woods and Aitken representing R.H. Rogers Investment Company.

Paxton explained that their client has a lease with the property located at 1309 "M" Street. She requested that as the process continues for the sale of the property any potential buyers be made aware of the existing lease with R.H. Investment Company. Paxton added that it is her hope any notification to the newspaper or other publication include the caveat relating to the R.H. Rogers lease.

David Johnson, Deputy County Attorney, requested that the appraisal report by John Layman be made a part of the record (Exhibit 1) and requested that a draft of a warranty deed be submitted for the record (Exhibit 2).

Johnson referred to the warranty deed (Exhibit 2) noting the following:

- A hold harmless clause with regard to damages or losses relating to hazardous substances or the cleanup of such substances.
- Buyer recognizes present and outstanding special assessments against the property.

It was requested by Johnson that the Board set a minimum bid with regard to the amount the County would accept at the bidding process. \$186,000 was the suggested minimum bid.

The Clerk administered the oath to John Layman with Layman and Associates.

Layman gave a summary of his appraisal noting that the market value was based on sales in the immediate neighborhood.

5) **PUBLIC HEARINGS CONTINUED:**

Layman also noted corrections on pages 5 and 52 of the appraisal with regard to the economic life of the building. He stated the appraisal reflects an age of 50 years on page 5 and an age of 40 years on page 52 when it should be 45 years on both pages.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

MOTION: Hudkins moved and Workman seconded to declare the property, located at 1309 "M" Street, as surplus property and to place it for public sale with a minimum bid of \$186,000.

Both the maker of the motion and the seconder agreed to include that the property is legally described as Original Plat, Block 90, Lots 4 through 6.

ROLL CALL: Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

6) **OLD BUSINESS:**

A. An agreement with The Connecting Link for an Organizational Climate Diagnosis of the Community Mental Health Center. The County shall receive an assessment of the Community Mental Health Center which is compiled after interviewing staff, County Board members, Advisory Committee members and clients. The term of the agreement shall be from the date of execution until June 1, 2003. The County shall pay \$100 per hour not to exceed \$10,000 for the services. (C-03-0126)

MOTION: Schorr moved and Stevens seconded approval of an agreement with The Connecting Link for an Organizational Climate Diagnosis of the Community Mental Health Center. The County shall receive an assessment of the Community Mental Health Center which is compiled after interviewing staff, County Board members, Advisory Committee members and clients. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

Johnson appeared and requested that approval be subject to receiving a certificate of insurance.

6) **OLD BUSINESS CONTINUED:**

Both the maker of the motion and the seconder agreed that approval be subject to receiving a certificate of insurance.

MOTION: Stevens moved and Hudkins seconded to reconsider Old Business Item 6A. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

MOTION: Schorr moved and Stevens seconded approval of an agreement with The Connecting Link for an Organizational Climate Diagnosis of the Community Mental Health Center subject to receipt of a certificate of insurance. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

7) **NEW BUSINESS:**

A. An application for a Special Designated License from Ken's Liquor, Inc. to hold a wedding reception on Saturday, May 10, 2003 from 3 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street.

Terry Wagner, Sheriff, appeared and explained that Mr. and Mrs. Ben Sand, owners of Country Pines, submitted a letter outlining procedures to ensure the safety of all individuals attending functions at their establishment. Upon those assurances, he said, they found no statutory reasons to recommend denial.

MOTION: Stevens moved and Hudkins seconded approval of an application for a Special Designated License from Ken's Liquor, Inc. to hold a wedding reception on Saturday, May 10, 2003 from 3 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

B. A supplemental agreement to County Project 03-21 for culvert replacement and maintenance with Land Construction, Inc. The supplemental agreement provides a change order for the replacement of six additional culverts due to the removal of the requirement for the replacement of a box culvert. The total net increase of the agreement shall be \$20,882.95. (C-03-0147)

7) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of a supplemental agreement to County Project 03-21 for culvert replacement and maintenance with Land Construction, Inc. The supplemental agreement provides a change order for the replacement of six additional culverts due to the removal of the requirement for the replacement of a box culvert. The total net increase of the agreement shall be \$20,882.95. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

C. A utility relocation agreement with Norris Public Power District of Beatrice for the adjustment of some, if not all, of its power line as it relates to County Project C55-J-409(1), which is generally located on East Van Dorn Street from South 112th Street to South 120th Street. The estimated cost of the project is \$21,703.40 with the County's share being \$14,671.50 and not to exceed \$20,000. (C-03-0148)

Heier indicated he would abstain from voting because of a possible conflict of interest.

MOTION: Hudkins moved and Workman seconded approval of a utility relocation agreement with Norris Public Power District of Beatrice for the adjustment of some, if not all, of its power line as it relates to County Project C55-J-409(1), which is generally located on East Van Dorn Street from South 112th Street to South 120th Street. Hudkins, Workman, Stevens and Schorr voted aye. Heier abstained from voting. Motion carried.

D. Ratification of a consent decree filed in the United States District Court for the Central District of Illinois between the United States of America, Arkansas, Indiana, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Carolina, Texas, Iowa Counties of Linn and Polk, Nebraska County of Lancaster and Archer Daniels Midland Company, for a comprehensive resolution of compliance concerns under federal and state air quality programs. The City of Lincoln and Lancaster County shall receive \$61,000 and the implementation of environmental controls at the Lancaster County Archer Daniels Midland facility. (C-03-0149)

7) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded ratification of a consent decree filed in the United States District Court for the Central District of Illinois between the United States of America, Arkansas, Indiana, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Carolina, Texas, Iowa Counties of Linn and Polk, Nebraska County of Lancaster and Archer Daniels Midland Company, for a comprehensive resolution of compliance concerns under federal and state air quality programs. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

E. A business associate agreement between the Nebraska Department of Health and Human Services and the County, on behalf of the County Attorney's Office. The agreement amends the cooperative agreement for child support enforcement to ensure compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rules. (C-03-0150)

MOTION: Hudkins moved and Stevens seconded approval of a business associate agreement between the Nebraska Department of Health and Human Services and the County, on behalf of the County Attorney's Office. The agreement amends the cooperative agreement for child support enforcement to ensure compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rules. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

F. A business associate agreement with Region V, on behalf of the Community Mental Health Center. The agreement amends all current and future network provider contracts between Region V and the Mental Health Center to ensure compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rules. (C-03-0151)

MOTION: Hudkins moved and Stevens seconded approval of a business associate agreement with Region V, on behalf of the Community Mental Health Center. The agreement amends all current and future network provider contracts between Region V and the Mental Health Center to ensure compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rules. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

7) NEW BUSINESS CONTINUED:

G. A business associate agreement between the Nebraska Department of Health and Human Services and the County, on behalf of the Youth Services Center. The agreement amends County Contract No. C-02-0360 (Juvenile Detention Housing Services Contract) to ensure compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rules. (C-03-0152)

MOTION: Schorr moved and Stevens seconded approval of a business associate agreement between the Nebraska Department of Health and Human Services and the County, on behalf of the Youth Services Center. The agreement amends County Contract No. C-02-0360 (Juvenile Detention Housing Services Contract) to ensure compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rules. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

H. An addendum to an agreement with Noll Collection Services Inc. (County Contract C-02-0316), on behalf of the Community Mental Health Center. The addendum addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to business associates as that term is defined by the HIPAA Privacy Rules. (C-03-0153)

MOTION: Hudkins moved and Stevens seconded approval of an addendum to an agreement with Noll Collection Services Inc. (County Contract C-02-0316), on behalf of the Community Mental Health Center. The addendum addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to business associates as that term is defined by the HIPAA Privacy Rules. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

I. An addendum to an agreement with Turner & Associates, on behalf of the Community Mental Health Center. The addendum addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to business associates as that term is defined by the HIPAA Privacy Rules. (C-03-0154)

7) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded approval of an addendum to an agreement with Turner & Associates, on behalf of the Community Mental Health Center. The addendum addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to business associates as that term is defined by the HIPAA Privacy Rules. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

J. An addendum to an agreement with ServiceLinc, on behalf of the Community Mental Health Center. The addendum addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to business associates as the term is defined by the HIPAA Privacy Rules. (C-03-0155)

MOTION: Hudkins moved and Schorr seconded approval of an addendum to an agreement with ServiceLinc, on behalf of the Community Mental Health Center. The addendum addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to business associates as the term is defined by the HIPAA Privacy Rules. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

K. An addendum to an agreement with CenterPointe, Inc., on behalf of the Community Mental Health Center - Harvest Project. The addendum addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to business associates as that term is defined by the HIPAA Privacy Rules. (C-03-0156)

MOTION: Schorr moved and Stevens seconded approval of an addendum to an agreement with CenterPointe, Inc., on behalf of the Community Mental Health Center - Harvest Project. The addendum addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to business associates as that term is defined by the HIPAA Privacy Rules. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

- L. An addendum to an agreement with Seim, Johnson, Sestak & Quist, LLP, on behalf of Lancaster Manor. The addendum addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to business associates as that term is defined by the HIPAA Privacy Rules. (C-03-0157)**

MOTION: Hudkins moved and Stevens seconded approval of an addendum to an agreement with Seim, Johnson, Sestak & Quist, LLP, on behalf of Lancaster Manor. The addendum addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to business associates as that term is defined by the HIPAA Privacy Rules. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- M. An addendum to an agreement with Marsh, Inc., on behalf of the County's group health and dental plans. The addendum addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to business associates as that term is defined by the HIPAA Privacy Rules. (C-03-0158)**

MOTION: Workman moved and Stevens seconded approval of an addendum to an agreement with Marsh, Inc., on behalf of the County's group health and dental plans. The addendum addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to business associates as that term is defined by the HIPAA Privacy Rules. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

- N. An agreement with Martin Luther Homes of Nebraska to provide document shredding services to the Lancaster County Records Management Department. The County will pay Martin Luther Homes \$.0516 per pound of paper that is shredded. The term of the agreement is April 1, 2003 through March 31, 2004. (C-03-0159)**

7) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Hudkins seconded approval of an agreement with Martin Luther Homes of Nebraska to provide document shredding services to the Lancaster County Records Management Department. The County will pay Martin Luther Homes \$.0516 per pound of paper that is shredded. The term of the agreement is April 1, 2003 through March 31, 2004. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

O. A resolution in the matter of certifying to the County Treasurer that payment of a tax refund would create undue hardship for Lancaster County, Nebraska. (R-03-0020)

MOTION: Workman moved and Stevens seconded approval of Resolution 03-0020 in the matter of certifying to the County Treasurer that payment of a tax refund would create undue hardship for Lancaster County, Nebraska. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

P. A resolution in the matter of authorizing the installation of a "Driveway Warning" sign in advance of the farm drive located at 7407 Pella Road for eastbound traffic. (R-03-0021)

MOTION: Hudkins moved and Stevens seconded approval of Resolution 03-0021 in the matter of authorizing the installation of a "Driveway Warning" sign in advance of the farm drive located at 7407 Pella Road for eastbound traffic. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

Q. Request from Alan Baade for a refund of personal property tax for 2000, in the approximate amount of \$115.24 and for 2001, in the approximate amount of \$79.22.

MOTION: Hudkins moved and Stevens seconded approval of a request from Alan Baade for a refund of personal property tax for 2000, in the approximate amount of \$115.24 and for 2001, in the approximate amount of \$79.22. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

R. Request from Frank Halada for a refund of personal property tax for 2000, in the approximate amount of \$26.51, for 2001, in the approximate amount of \$19.98 and for 2002, in the approximate amount of \$15.79.

MOTION: Workman moved and Stevens seconded approval of a request from Frank Halada for a refund of personal property tax for 2000, in the approximate amount of \$26.51, for 2001, in the approximate amount of \$19.98 and for 2002, in the approximate amount of \$15.79. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

8) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. **Receive and Place on File:**

1. Noxious Weed Control Authority's Monthly Report for March, 2003.
2. Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for March, 2003.
3. Records & Information Management's Monthly Report for March, 2003.
4. Sheriff's Report of Fees for March, 2003.
5. Lincoln City Libraries Director's Report for March, 2003.

B. Request from Stephanie Gill, an employee at Lancaster Manor, to voluntarily participate in the Lancaster County Retirement Plan, having met the requirements.

C. Request from Erin M. Cimpl, an employee at the Community Mental Health Center, to voluntarily participate in the Lancaster County Retirement Plan, having met the requirements.

MOTION: Hudkins moved and Workman seconded approval of the Consent Items. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

9) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Commissioners meeting at 2:43 p.m. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 22, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
Bob Workman

Others Present: Connie Ahlschwede, County Assessor/ Register of Deeds
Office
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:43 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 15, 2003.

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Equalization dated April 15, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

3) **ADDITIONS AND DEDUCTIONS:**

Approval of 10 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Stevens moved and Workman seconded approval of the additions and deductions to the tax assessment rolls. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Capitol City Christian Church
Catholic Bishop of Lincoln (2)
Cedars Youth Services
Cornhusker Place, Inc.
Developmental Services of Nebraska, Inc.
Grace Lutheran Church
Lincoln Lancaster County Child Guidance Center
Martin Luther Home Society Inc.
St. Peters Catholic Church of Lincoln
Tabitha, Inc

MOTION: Workman moved and Stevens seconded approval of motor vehicle tax exemptions for Capitol City Christian, Catholic Bishop of Lincoln, Cedars Youth Services, Developmental Services of Nebraska, Inc., Grace Lutheran Church, Lincoln Lancaster County Child Guidance Center, St. Peters Catholic Church of Lincoln and Tabitha, Inc. and to also approve motor vehicle tax exemptions for Cornhusker Place, Inc. and Martin Luther Home Society Inc. subject to the vehicle(s) being titled and registered to the applicant. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:45 p.m. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk